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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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|------------------------|---|
| Proceeding | 91221291 |
| Party | Defendant Ruchi Soya Industries Limited |
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| Signature | /Jeffrey M. Rollings/ |
| Date | 06/24/2016 |
| Attachments | Opp. No. 91221291 - Ferrero v. Ruchi Soya - Applicant Ruchi Soya's Opp. to MTC 6.24.2016.pdf(169491 bytes) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Application Ser. No: 86/184,298
Mark: NUTRELA
International Classes: 29, 30, 32
Applicant: Ruchi Soya Industries Limited
Date of Publication: December 2, 2014

FERRERO S.P.A.,

Opposer,

v.

RUCHI SOYA INDUSTRIES LIMITED,

Applicant.

Opposition No. 91221291

Registration No: 3,930,669
Mark: NUTELLA LOVE & DESIGN
International Classes: 30
Owner: Ferro S.p.A
Date of Registration: March 15, 2011

Registration No: 4,192,415
Mark: NUTELLA & DESIGN
International Classes: 30
Owner: Ferro S.p.A
Date of Registration: August 21, 2012

RUCHI SOYA INDUSTRIES LIMITED,

Petitioner,

v.

FERRERO S.P.A.,

Respondent.

**APPLICANT/PETITIONER RUCHI SOYA INDUSTRIES LIMITED'S OPPOSITION
TO OPPOSER/RESPONDENT FERRERO S.P.A.'S MOTION TO COMPEL**

Applicant/Petitioner, Ruchi Soya Industries Limited ("Applicant"), through its undersigned counsel of record, hereby responds to, and opposes, Opposer/Respondent Ferrero S.p.A.'s ("Opposer") motion to compel (the "Motion"), as set forth below.

As stated in Opposer's Motion, on February 26, 2016, Opposer served upon Applicant Opposer's first set of discovery requests, including requests for the production of documents (the "Document Requests") and interrogatories (the "Interrogatories") (collectively "Opposer's Requests"). On April 1, 2016, Applicant properly, and timely, objected and responded to Opposer's Requests (the "Responses") (Applicant's Responses are attached to the Loughlin Declaration as Exhibits 4 and 5, respectively).

Applicant maintains the position that its Responses are proper. Applicant made proper objections to the Interrogatories, and provided substantive responses to each Interrogatory to the extent that responsive information exists and such a response could be made. If no such information and/or response was available, Applicant stated so. In response to the Document Requests, Applicant also made proper objections and invited Opposer to inspect and copy non-objectionable documents and information responsive to the Doc. Requests at Applicant's principal place of business, in accordance with Fed. R. Civ. P. 34 which provides "[f]or each item or category, the response must either state that inspection and related activities will be permitted as requested or state with specificity the grounds for objecting to the request, including the reasons." *Fed. R. Civ. P. 34(b)(2)(B)*. Rule 34 specifically provides that the production of documents may be made in lieu of permitting inspection, but the rule does not mandate production. *See, Id.*

Notwithstanding the propriety of Applicant's Responses, Opposer brought the instant Motion on May 20, 2016, arguing, in essence, that since Opposer had made the unilateral decision to produce documents, Applicant was thus obliged to produce documents in lieu of permitting inspection. Without waiving any rights to assert and maintain Applicant's contrary position, in an attempt to quickly and fully resolve this issue, on Monday, June 20, 2016,

Applicant served amended responses to the Requests (the “Amended Responses”) on Opposer and together therewith produced all documents in Applicant’s possession and custody, subject to applicable objections, responsive to Opposer’s Requests (the “Production”) (attached hereto as Exhibit 1 and 2, respectively, are Applicant’s First Amended Responses and Objections to Opposer’s First Set of Interrogatories and Applicant’s First Amended Responses and Objections to Registrant’s First Set of Requests for the Production of Documents). Applicant provided its Amended Responses and the Production to Opposer together with a written request for Opposer to withdraw this instant Motion on the grounds that the Amended Responses and Production render the Motion moot, and that such withdrawal would prevent any unnecessary expenditure of the parties’ and the Board’s resources.

For four (4) days, Opposer did not respond to Applicant’s requests to withdraw the Motion. Only yesterday, June 23, 2016, after an early morning message from Applicant to Opposer reminding Opposer of Applicant’s request to withdraw the Motion, and after the close of business, counsel for Opposer responded in an email to Applicant’s counsel that they had received the Amended Responses and Production and were currently reviewing them “to determine if a withdrawal of the Motion is warranted.” Counsel further stated that this review should be completed within a “reasonable time,” and after consulting with Opposer.

As Opposer is certainly aware, however, today, June 24, 2016, is Applicant’s last day to file an opposition to Opposer’s Motion. In light of counsel’s failure to timely address the fact that Applicant’s Amended Responses and Production have mooted the Motion, Applicant, in order to preserve its rights, is compelled to file this instant opposition. As stated above, Applicant maintains the position that the objections and responses set forth in its initial Responses are sufficient and proper under Fed. R. Civ. P. 34. Applicant has now amended its

responses and produced all responsive documents in order to avoid needless costs, litigation, and Board intervention. As stated *supra*, the Amended Responses and Production more than sufficiently resolve all of Opposer's issues with Applicant's initial Responses, and thus do render the Motion moot. *See, e.g., Luehrmann v. Kwik Kopy Corp.*, 2 USPQ2d 1303, 1304 (TTAB 1987) (responses rendered motion to compel, based on complete non-responsiveness, moot). The Motion should therefore be denied on this ground.

Additionally, in light of Opposer's last minute correspondence and failure to timely address Applicant's Production, Applicant notes that Opposer has failed to properly notify the Board of the Amended Responses and Production. The TBMP provides "In the event that issues raised in the motion are subsequently resolved by the parties, the moving party should inform the Board in writing, filed through ESTTA, of the issues in the motion which no longer require determination." *TBMP 523.02* (citing *37 CFR § 2.120(e)*). Here, the Amended Responses and Production resolve each issue Opposer has raised in its Motion, but Opposer had not made any such indication to the Board.

For all of the foregoing reasons, the Motion should be denied to the extent it has been rendered moot by the Amended Responses and Production.

Dated: Scarsdale, New York
June 24, 2016

LACKENBACH SIEGEL, LLP

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Ruchi Soya Industries Limited

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the enclosed APPLICANT/PETITIONER RUCHI SOYA INDUSTRIES LIMITED'S OPPOSITION TO OPPOSER/RESPONDENT FERRERO S.P.A.'S MOTION TO COMPEL was served on Opposer on June 24, 2016 via U.S. 1st Class Mail and via email, addressed to counsel for Opposer as follows:

Leo M. Loughlin, Esq.
Rothwell, Figg, Ernst & Manbeck, P.C.
607 14th Street, NW, Suite 800
Washington, D.C. 20005
lloughlin@rothwellfigg.com

Dated: Scarsdale, New York
June 24, 2016

/s/ Eric A. Menist
Eric A. Menist

Exhibit 1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Application Ser. No: 86/184,298
Mark: NUTRELA
International Classes: 29, 30, 32
Applicant: Ruchi Soya Industries Limited
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Opposer,

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RUCHI SOYA INDUSTRIES LIMITED,

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International Classes: 30
Owner: Ferro S.p.A
Date of Registration: August 21, 2012

RUCHI SOYA INDUSTRIES LIMITED,

Petitioner,

v.

FERRERO S.P.A.,

Respondent.

**RUCHI SOYA INDUSTRIES LIMITED’S FIRST AMENDED RESPONSES AND
OBJECTIONS TO OPPOSER/REGISTRANT’S FIRST SET OF INTERROGATORIES
TO APPLICANT/PETITIONER**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and the TBMP, Applicant, Ruchi soya Industries Limited (“Applicant”), by their attorneys of record, hereby further responds and objects to opposer/respondent’s, Ferrero, S.p.A. (“Opposer”),

Opposer/Registrant's First Set Of Interrogatories To Applicant/Petitioner (the "Interrogatories") (collectively the "Responses"), as follows:

GENERAL RESPONSES AND OBJECTIONS

Applicant's responses to individual Interrogatories are all subject to the following general objections (the "General Objections"):

1. Applicant objects to the Interrogatories to the extent individual Interrogatories consist of multiple subparts and therefore the total number of Interrogatories exceeds the number of interrogatories permitted by the TBMP.

2. Applicant further objects to the Interrogatories to the extent they are cumulative and/or duplicative of Plaintiffs' document requests and pursuant to Federal Rule of Civil Procedure 33(d), Applicant's specific Responses to each Interrogatory may in part be answered by reference to documents produced by Applicant in response to Plaintiff's document requests.

3. Applicant objects to the Definitions and the Interrogatories to the extent that they exceed or are inconsistent with the requirements of the Federal Rules of Civil Procedure, the TMBP, regulations and/or law, and to the extent that they seek information or documents beyond what can be made available from a reasonable investigation.

4. Applicant further objects to the Interrogatories to the extent any Interrogatories seek documents or information for a time period for which such documents or information is not reasonably accessible or available, and further to the extent any Interrogatories seek documents from, and/or information concerning, any period of time beyond the time period relevant to any of Opposer's allegations set forth in its Opposition.

5. Applicant further objects to the Interrogatories to the extent that they may seek, or would result in, the disclosure of documents, communications and other information protected by the attorney-client privilege, and/or materials produced by or for attorneys in anticipation of, or

during trademark application prosecution at the USPTO and/or litigation and protected from disclosure by the attorney work-product doctrine. In the event that any privileged information is disclosed, such disclosure shall be deemed unintentional and shall not constitute a waiver of the privilege, and Applicant reserves the right to request such privileged information be returned and/or destroyed.

6. Applicant further objects to the Interrogatories to the extent that they seek confidential, sensitive and/or proprietary trade secrets, and/or financial and/or other confidential business information or information subject to rights of privacy and/or publicity (the “Confidential Information”). Applicant will only produce Confidential Information pursuant to, and in accordance with, a protective order issued in this case. Applicant further reserves the right to withhold disclosure of any documents and information subject to the privacy and/or publicity rights of any third party, or that it is bound to keep confidential pursuant to any contract or agreement with any third party from whom Applicant cannot obtain a waiver or consent.

7. Applicant further objects to the Interrogatories to the extent that they purport to require Applicant to obtain information from unaffiliated third parties and/or otherwise identify and obtain documents that are not within its possession, custody and/or control.

8. Applicant further objects to the Interrogatories to the extent that they call for unreasonably cumulative or duplicative documents and/or information.

9. Applicant further objects to the Interrogatories to the extent that they seek the discovery of information that Opposer itself is able to obtain by less burdensome and/or costly means than formal discovery requests, whether because responsive documents and/or information can be obtained from non-parties, is publicly available, is already in Opposer’s possession and/or control, or otherwise.

10. Applicant further objects to each Interrogatory to the extent that it is overly broad, unduly burdensome and/or not reasonably calculated to lead to the discovery of admissible evidence and/or compliance with the Interrogatory would be cost-prohibitive, impractical and/or impossible; Applicant will nevertheless endeavor to reasonably comply with each such Interrogatory, and reserves the right to seek an extension of time to respond accordingly.

11. Applicant further objects to Instruction “E” in the Interrogatories to the extent it is overly broad and overly burdensome.

12. Applicant further objects to Instruction “G” in the Interrogatories to the extent it is improper and/or non-compliant with Rule 33(d).

13. Applicant further objects to Instruction “H” in the Interrogatories to the extent it is overly broad and overly burdensome.

14. Applicant’s Responses are as complete and as accurate as is possible given the state of Applicant’s current knowledge and investigation. Applicant’s investigations are ongoing and Applicant reserves the right to correct and/or supplement its Responses to the extent its ongoing investigations yield different and/or additional information.

15. Applicant’s specific objections to each Interrogatory are in addition to the objections set forth in these General Objections. The General Objections form a part of Applicant’s Responses to each and every Interrogatory, and are set forth here to avoid the duplication and repetition of restating them for each response. The absence of a reference to a General Objection is not to be construed as a waiver of the General Objections as to a specific Interrogatory.

SPECIFIC RESPONSES AND OBJECTIONS

As stated above, each of Applicant's General Objections is incorporated into each of the following specific Responses and Objections ("Specific Objections") to Opposer's Interrogatories as numbered below:

1. State Petitioner's date of first use in commerce in the United States for the mark NUTRELA in connection with the products identified in Serial No. 86/184,298.

Response to Interrogatory 1.

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by reference to, documents produced in response to Opposer's document requests (the "Requests"), including without limitation, Requests 1, 3-8, 10, 12, 15 and 25. Pursuant to Rule 33(d), and subject to any and all applicable objections to relevant Requests, Applicant will produce representative documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Subject to and without waiving the foregoing General and Specific Objections, Applicant responds to the above Interrogatory as follows: Nutrela has been, and is being, exported into the U.S. for over ten (10) years through merchant exporters. Applicant started directly exporting Nutrela products into the U.S. for the first time in January, 2016.

FIRST AMENDED RESPONSE TO INTERROGATORY 1

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by reference to, documents produced in response to Opposer's document requests (the "Requests"), including without limitation, Requests 1, 3-8, 10, 12, 15 and 25. Pursuant to Rule 33(d), and subject to any and all applicable objections to relevant Requests, Applicant will produce

representative documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Subject to and without waiving the foregoing General and Specific Objections, Applicant responds to the above Interrogatory as follows: Nutrela has been, and is being, exported into the U.S. for over ten (10) years through merchant exporters. Applicant started directly exporting Nutrela products into the U.S. for the first time in January, 2016. Applicant further refers Opposer to the following documents, and/or representative samples of documents, in response to this Interrogatory, bates numbered as follows: RUCHI_64-388.

2. *Identify the person or persons in the employ of or associated in any manner with Petitioner most knowledgeable with respect to the following: (a) Petitioner's consideration, selection, and adoption of the term NUTRELA; (b) Petitioner's use of the NUTRELA mark; (c) Petitioner's sales and advertising of the products identified by Petitioner's NUTRELA mark; and (d) Petitioner's consideration and decision to file the application Serial No. 86/184,298.*

Response to Interrogatory 2.

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by reference to, documents produced in response to Opposer's document requests (the "Requests"), including without limitation, Requests 2-8, 10, 12, 15, 16 and 25. Pursuant to Rule 33(d), and subject to any and all applicable objections to relevant Requests, Applicant will produce representative documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Applicant further objects to this Interrogatory as to form, as it contains multiple subparts; and each subpart should be deemed to be an additional independent interrogatory question and counted toward the total amount of interrogatory questions allowed pursuant to The TBMP.

Applicant further objects to this Interrogatory on the grounds, and to the extent that it seeks a narrative response, and thus is stated in the form of, and should properly be posed or stated as, a deposition question to an individual witness.

Subject to and without waiving the foregoing General and Specific Objections, Applicant responds to the above Interrogatory as follows: Hitesh Vora, Amit Khatak, Darshan Panchal, Rohit Motkari and/or Nilesh Bhawsar.

FIRST AMENDED RESPONSE TO INTERROGATORY 2

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by reference to, documents produced in response to Opposer's document requests (the "Requests"), including without limitation, Requests 2-8, 10, 12, 15, 16 and 25. Pursuant to Rule 33(d), and subject to any and all applicable objections to relevant Requests, Applicant will produce representative documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Applicant further objects to this Interrogatory as to form, as it contains multiple subparts; and each subpart should be deemed to be an additional independent interrogatory question and counted toward the total amount of interrogatory questions allowed pursuant to The TBMP.

Applicant further objects to this Interrogatory on the grounds, and to the extent that it seeks a narrative response, and thus is stated in the form of, and should properly be posed or stated as, a deposition question to an individual witness.

Subject to and without waiving the foregoing General and Specific Objections, Applicant responds to the above Interrogatory as follows: Hitesh Vora, Amit Khatak, Darshan Panchal, Rohit Motkari and/or Nilesh Bhawsar. Applicant further refers Opposer to the following

documents, and/or representative samples of documents, in response to this Interrogatory, bates numbered as follows: RUCHI_1-388.

3. Identify all parties, including but not limited to, advertising, public relations, website design or internet consulting firms, that will be, are now or have ever been employed or engaged by Petitioner in connection with the use, scheduled use or planned use of its NUTRELA mark, including the identity of those persons responsible for Petitioner's account and/or work performed on Petitioner's behalf with respect to the use, scheduled use, or planned use of the NUTRELA trademark.

Response to Interrogatory 3.

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by reference to, documents produced in response to Opposer's document requests (the "Requests"), including without limitation, Requests 1, 3 – 8, 10, 12 15 and 25. Pursuant to Rule 33(d), and subject to any and all applicable objections to relevant Requests, Applicant will produce representative documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Applicant objects to this Interrogatory as to form, as it contains multiple subparts; and each subpart should be deemed to be an additional independent interrogatory question and counted toward the total amount of interrogatory questions allowed pursuant to The TBMP.

Applicant further objects to this Interrogatory on the grounds, and to the extent that it seeks a narrative response, and thus is stated in the form of, and should properly be posed or stated as, a deposition question to an individual witness.

Subject to and without waiving the foregoing General and Specific Objections, Applicant responds to the above Interrogatory as follows: Applicant has not employed and/or engaged with any such parties to date.

4. *Identify with particularity each type of product or service sold or offered for sale by Petitioner in connection with the NUTRELA trademark at any time in the United States.*

Response to Interrogatory 4.

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by reference to, documents produced in response to Opposer's document requests (the "Requests"), including without limitation, Requests 1, 6, 7, 10, 12, 15 and 25. Pursuant to Rule 33(d), and subject to any and all applicable objections to relevant Requests, Applicant will produce representative documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Applicant further objects to this Interrogatory on the grounds, and to the extent that it seeks a narrative response, and thus is stated in the form of, and should properly be posed or stated as, a deposition question to an individual witness.

Subject to and without waiving the foregoing General and Specific Objections, Applicant responds to the above Interrogatory as follows: Applicant sells/sold, offers/offered for sale and/or exports/exported in(to) the U.S. the following products: Nutrela Soya Chunks in 200g Boxes, 500g sachets, 1kg sachets; Nutrela Soya Mini Chunks in 200g boxes; Nutrela Soya Granules in 200g boxes; and Nutrela Instant Soya in 180g Sachets.

FIRST AMENDED RESPONSE TO INTERROGATORY 4

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by reference to, documents produced in response to Opposer's document requests (the "Requests"), including without limitation, Requests 1, 6, 7, 10, 12, 15 and 25. Pursuant to Rule 33(d), and subject to any and all applicable objections to relevant Requests, Applicant will produce

representative documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Applicant further objects to this Interrogatory on the grounds, and to the extent that it seeks a narrative response, and thus is stated in the form of, and should properly be posed or stated as, a deposition question to an individual witness.

Subject to and without waiving the foregoing General and Specific Objections, Applicant responds to the above Interrogatory as follows: Applicant sells/sold, offers/offered for sale and/or exports/exported in(to) the U.S. the following products: Nutrela Soya Chunks in 200g Boxes, 500g sachets, 1kg sachets; Nutrela Soya Mini Chunks in 200g boxes; Nutrela Soya Granules in 200g boxes; and Nutrela Instant Soya in 180g Sachets. Applicant further refers Opposer to the following documents, and/or representative samples of documents, in response to this Interrogatory, bates numbered as follows: RUCHI_64-388.

5. *Identify each publication, catalog, and broadcast advertisement (e.g., radio, television, internet, website, email) authorized by or on behalf of Petitioner, in which products under the NUTRELA trademark have been, or are scheduled to be mentioned, by stating the following: (a) State the title(s) and date(s) / place(s) and date(s) of each publication, billboard or catalog in which any advertisement or display of goods or services appeared or is scheduled to appear; and (b) Identify each actual or scheduled broadcast by: (1) date(s); and (2) station(s) or website(s); and (3) whether the broadcast was or will be on radio, television or the internet.*

Response to Interrogatory 5.

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by reference to, documents produced in response to Opposer's document requests (the "Requests"), including without limitation, Request 1, 3-5, 8 10, 12, 15 and 25. Pursuant to Rule 33(d), and subject to any and all applicable objections to relevant Requests, Applicant will produce

representative documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Applicant further objects to this Interrogatory as to form, as it contains multiple subparts; and each subpart should be deemed to be an additional independent interrogatory question and counted toward the total amount of interrogatory questions allowed pursuant to The TBMP.

Applicant further objects to this Interrogatory on the grounds, and to the extent that it seeks a narrative response, and thus is stated in the form of, and should properly be posed or stated as, a deposition question to an individual witness.

Subject to and without waiving the foregoing General and Specific Objections, Applicant responds to the above Interrogatory as follows: Applicant has made no broadcast and/or publication for and/or regarding Nutrela in the U.S. to date.

6. *Identify all trade shows, fashion shows, photo shoots, professional shows, professional meetings, seminars, events, conferences, conventions and the like where Petitioner or someone on Petitioner's behalf has promoted or offered products, or is scheduled to promote or offer products, under Petitioner's NUTRELA mark, by stating, for each show, shoot, meeting, seminar, event, conference, or convention, the following: (a) the name of the show, shoot, meeting, seminar, event, conference or convention, where held or to be held, and the dates when held or to be held; and (b) the type of goods or services promoted or offered at each show, shoot, meeting, seminar, event, conference or convention by Petitioner under that mark; and (d) each employee or representative of Petitioner who was present at, assisted in planning or who has knowledge of, such show, shoot, meeting, seminar, event, conference or convention.*

Response to Interrogatory 6.

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by reference to, documents produced in response to Opposer's document requests (the "Requests"), including without limitation, Requests 1, 3-8, 10, 12, 15 and 25. Pursuant to Rule 33(d), and subject to any and all applicable objections to relevant Requests, Applicant will produce

representative documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Applicant further objects to this Interrogatory as to form, as it contains multiple subparts; and each subpart should be deemed to be an additional independent interrogatory question and counted toward the total amount of interrogatory questions allowed pursuant to The TBMP.

Applicant further objects to this Interrogatory on the grounds, and to the extent that it seeks a narrative response, and thus is stated in the form of, and should properly be posed or stated as, a deposition question to an individual witness.

Subject to and without waiving the foregoing General and Specific Objections, Applicant responds to the above Interrogatory as follows: Applicant has not attended and/or advertised and/or promoted its products and NUTRELA at any such events listed above.

7. State the total dollar value of Petitioner's revenues in the United States associated with Petitioner's products under the NUTRELA mark for the products listed in application Serial No. 86/184,298, from the date of the earliest priority date on which Petitioner intends to rely in this proceeding to the present; indicating the revenue for each year (or for each month for periods of less than a year).

Response to Interrogatory 7.

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by reference to, documents produced in response to Opposer's document requests (the "Requests"), including without limitation, Requests 1, 6, 7, 10, 12 and 25. Pursuant to Rule 33(d), and subject to any and all applicable objections to relevant Requests, Applicant will produce representative documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Applicant further objects to this Interrogatory as to form, as it contains multiple subparts; and each subpart should be deemed to be an additional independent interrogatory question and counted toward the total amount of interrogatory questions allowed pursuant to The TBMP.

Applicant further objects to this Interrogatory on the grounds, and to the extent that it seeks a narrative response, and thus is stated in the form of, and should properly be posed or stated as, a deposition question to an individual witness.

FIRST AMENDED RESPONSE TO INTERROGATORY 7

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by reference to, documents produced in response to Opposer's document requests (the "Requests"), including without limitation, Requests 1, 6, 7, 10, 12 and 25. Pursuant to Rule 33(d), and subject to any and all applicable objections to relevant Requests, Applicant will produce representative documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Applicant further objects to this Interrogatory as to form, as it contains multiple subparts; and each subpart should be deemed to be an additional independent interrogatory question and counted toward the total amount of interrogatory questions allowed pursuant to The TBMP.

Applicant further objects to this Interrogatory on the grounds, and to the extent that it seeks a narrative response, and thus is stated in the form of, and should properly be posed or stated as, a deposition question to an individual witness. Applicant further refers Opposer to the following documents, and/or representative samples of documents, in response to this Interrogatory, bates numbered as follows: RUCHI_64-388.

8. *State the total annual advertising and promotional expenditures in dollars in the United States by or on behalf of Petitioner relating to the promotion of the NUTRELA mark for the products listed in application Serial No. 861184,298, from the date of the earliest priority date on which Petitioner intends to rely in this proceeding to the present.*

Response to Interrogatory 8.

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by reference to, documents produced in response to Opposer's document requests (the "Requests"), including without limitation, Requests 1, 3-5, 8, 10, 15 and 25. Pursuant to Rule 33(d), and subject to any and all applicable objections to relevant Requests, Applicant will produce representative documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Applicant further objects to this Interrogatory on the grounds, and to the extent that it seeks a narrative response, and thus is stated in the form of, and should properly be posed or stated as, a deposition question to an individual witness.

Subject to and without waiving the foregoing General and Specific Objections, Applicant responds to the above Interrogatory as follows: Applicant has not made any such expenditures.

9. *Describe when and by what means Petitioner first became aware of (a) Ferrero; (b) Ferrero's NUTELLA mark; and (c) Ferrero's use of any mark or designation consisting of or including the term "NUTELLA", not identified in (b).*

Response to Interrogatory 9.

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by reference to, documents produced in response to Opposer's document requests (the "Requests"), including without limitation, Requests 14 and 25. Pursuant to Rule 33(d), and subject to any and

all applicable objections to relevant Requests, Applicant will produce representative documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Applicant further objects to this Interrogatory as to form, as it contains multiple subparts; and each subpart should be deemed to be an additional independent interrogatory question and counted toward the total amount of interrogatory questions allowed pursuant to The TBMP.

Applicant further objects to this Interrogatory on the grounds, and to the extent that it seeks a narrative response, and thus is stated in the form of, and should properly be posed or stated as, a deposition question to an individual witness.

Subject to and without waiving the foregoing General and Specific Objections, Applicant responds to the above Interrogatory as follows: Applicant was aware of Opposer and its mark NUTELLA when Applicant filed an Opposition against Opposer's application in India.

10. State whether Petitioner performed a trademark search prior to filing Application Serial No. 86/184,298 and identify the results of said search.

Response to Interrogatory 10.

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by reference to, documents produced in response to Opposer's document requests (the "Requests"), including without limitation, Requests 2, 16 and 25. Pursuant to Rule 33(d), and subject to any and all applicable objections to relevant Requests, Applicant will produce representative documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Applicant further objects to this Interrogatory as to form, as it contains multiple subparts;

and each subpart should be deemed to be an additional independent interrogatory question and counted toward the total amount of interrogatory questions allowed pursuant to The TBMP.

Applicant further objects to this Interrogatory on the grounds, and to the extent that it seeks a narrative response, and thus is stated in the form of, and should properly be posed or stated as, a deposition question to an individual witness.

Subject to and without waiving the foregoing General and Specific Objections, Applicant responds to the above Interrogatory as follows: Applicant did not conduct any such search(es).

11. Identify all facts which reflect, refer to, relate to, evidence or concern any and all instances of actual confusion, potential confusion, mistake or deception known to Petitioner as to the source, origin, sponsorship or association as between its use or proposed use of the NUTRELA mark and Ferrero's use of the NUTELLA mark in the United States.

Response to Interrogatory 11.

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by reference to, documents produced in response to Opposer's document requests (the "Requests"), including without limitation, Requests 9, 11 and 25. Pursuant to Rule 33(d), and subject to any and all applicable objections to relevant Requests, Applicant will produce representative documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Applicant further objects to this Interrogatory as to form, as it contains multiple subparts; and each subpart should be deemed to be an additional independent interrogatory question and counted toward the total amount of interrogatory questions allowed pursuant to The TBMP.

Applicant further objects to this Interrogatory on the grounds, and to the extent that it seeks a narrative response, and thus is stated in the form of, and should properly be posed or stated as, a deposition question to an individual witness.

Subject to and without waiving the foregoing General and Specific Objections, Applicant responds to the above Interrogatory as follows: Applicant has no knowledge of any confusion between the parties' respective products.

12. Identify all facts that support Petitioner's allegations in Paragraph 14 of the COUNTERCLAIMS.

Response to Interrogatory 12.

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by reference to, documents produced in response to Opposer's document requests (the "Requests"), including without limitation, Requests 14, 17 and 25. Pursuant to Rule 33(d), and subject to any and all applicable objections to relevant Requests, Applicant will produce representative documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Applicant further objects to this Interrogatory on the grounds, and to the extent that it seeks a narrative response, and thus is stated in the form of, and should properly be posed or stated as, a deposition question to an individual witness.

Applicant further objects to this Interrogatory to the extent it seeks privileged information such as attorney-client and/or attorney work product.

FIRST AMENDED RESPONSE TO INTERROGATORY 12

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by reference to, documents produced in response to Opposer's document requests (the "Requests"), including without limitation, Requests 14, 17 and 25. Pursuant to Rule 33(d), and subject to any and all applicable objections to relevant Requests, Applicant will produce representative documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Applicant further objects to this Interrogatory on the grounds, and to the extent that it seeks a narrative response, and thus is stated in the form of, and should properly be posed or stated as, a deposition question to an individual witness.

Applicant further objects to this Interrogatory to the extent it seeks privileged information such as attorney-client and/or attorney work product.

Applicant further refers Opposer to the following documents, and/or representative samples of documents, in response to this Interrogatory, bates numbered as follows:

RUCHI_389-427.

13. Identify all facts that support Petitioner's allegations in Paragraph 15 of the COUNTERCLAIMS.

Response to Interrogatory 13.

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by reference to, documents produced in response to Opposer's document requests (the "Requests"), including without limitation, Requests 14, 18 and 25. Pursuant to Rule 33(d), and subject to any

and all applicable objections to relevant Requests, Applicant will produce representative documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Applicant further objects to this Interrogatory on the grounds, and to the extent that it seeks a narrative response, and thus is stated in the form of, and should properly be posed or stated as, a deposition question to an individual witness.

Applicant further objects to this Interrogatory to the extent it seeks privileged information such as attorney-client and/or attorney work product.

FIRST AMENDED RESPONSE TO INTERROGATORY 13

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by reference to, documents produced in response to Opposer's document requests (the "Requests"), including without limitation, Requests 14, 18 and 25. Pursuant to Rule 33(d), and subject to any and all applicable objections to relevant Requests, Applicant will produce representative documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Applicant further objects to this Interrogatory on the grounds, and to the extent that it seeks a narrative response, and thus is stated in the form of, and should properly be posed or stated as, a deposition question to an individual witness.

Applicant further objects to this Interrogatory to the extent it seeks privileged information such as attorney-client and/or attorney work product.

Applicant further refers Opposer to the following documents, and/or representative samples of documents, in response to this Interrogatory, bates numbered as follows:

RUCHI_389-427.

14. Identify all facts that support Petitioner's allegations in Paragraph 16 of the COUNTERCLAIMS.

Response to Interrogatory 14.

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by reference to, documents produced in response to Opposer's document requests (the "Requests"), including without limitation, Requests 14, 19 and 25. Pursuant to Rule 33(d), and subject to any and all applicable objections to relevant Requests, Applicant will produce representative documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Applicant further objects to this Interrogatory on the grounds, and to the extent that it seeks a narrative response, and thus is stated in the form of, and should properly be posed or stated as, a deposition question to an individual witness.

Applicant further objects to this Interrogatory to the extent it seeks privileged information such as attorney-client and/or attorney work product.

FIRST AMENDED RESPONSE TO INTERROGATORY 14

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by reference to, documents produced in response to Opposer's document requests (the "Requests"), including without limitation, Requests 14, 19 and 25. Pursuant to Rule 33(d), and subject to any and all applicable objections to relevant Requests, Applicant will produce representative

documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Applicant further objects to this Interrogatory on the grounds, and to the extent that it seeks a narrative response, and thus is stated in the form of, and should properly be posed or stated as, a deposition question to an individual witness.

Applicant further objects to this Interrogatory to the extent it seeks privileged information such as attorney-client and/or attorney work product.

Applicant further refers Opposer to the following documents, and/or representative samples of documents, in response to this Interrogatory, bates numbered as follows:

RUCHI_389-427.

15. Identify all facts that support Petitioner's allegations ill Paragraph 25 of the COUNTERCLAIMS.

Response to Interrogatory 15.

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by reference to, documents produced in response to Opposer's document requests (the "Requests"), including without limitation, Requests 14, 20 and 25. Pursuant to Rule 33(d), and subject to any and all applicable objections to relevant Requests, Applicant will produce representative documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Applicant further objects to this Interrogatory on the grounds, and to the extent that it seeks a narrative response, and thus is stated in the form of, and should properly be posed or stated as, a deposition question to an individual witness.

Applicant further objects to this Interrogatory to the extent it seeks privileged information such as attorney-client and/or attorney work product.

FIRST AMENDED RESPONSE TO INTERROGATORY 15

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by reference to, documents produced in response to Opposer's document requests (the "Requests"), including without limitation, Requests 14, 20 and 25. Pursuant to Rule 33(d), and subject to any and all applicable objections to relevant Requests, Applicant will produce representative documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Applicant further objects to this Interrogatory on the grounds, and to the extent that it seeks a narrative response, and thus is stated in the form of, and should properly be posed or stated as, a deposition question to an individual witness.

Applicant further objects to this Interrogatory to the extent it seeks privileged information such as attorney-client and/or attorney work product.

Applicant further refers Opposer to the following documents, and/or representative samples of documents, in response to this Interrogatory, bates numbered as follows:

RUCHI_389-427.

16. Identify all facts that support Petitioner's allegations in Paragraph 26 of the COUNTERCLAIMS.

Response to Interrogatory 16.

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by

reference to, documents produced in response to Opposer's document requests (the "Requests"), including without limitation, Requests 14, 21 and 25. Pursuant to Rule 33(d), and subject to any and all applicable objections to relevant Requests, Applicant will produce representative documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Applicant further objects to this Interrogatory on the grounds, and to the extent that it seeks a narrative response, and thus is stated in the form of, and should properly be posed or stated as, a deposition question to an individual witness.

Applicant further objects to this Interrogatory to the extent it seeks privileged information such as attorney-client and/or attorney work product.

FIRST AMENDED RESPONSE TO INTERROGATORY 16

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by reference to, documents produced in response to Opposer's document requests (the "Requests"), including without limitation, Requests 14, 21 and 25. Pursuant to Rule 33(d), and subject to any and all applicable objections to relevant Requests, Applicant will produce representative documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Applicant further objects to this Interrogatory on the grounds, and to the extent that it seeks a narrative response, and thus is stated in the form of, and should properly be posed or stated as, a deposition question to an individual witness.

Applicant further objects to this Interrogatory to the extent it seeks privileged information such as attorney-client and/or attorney work product.

Applicant further refers Opposer to the following documents, and/or representative samples of documents, in response to this Interrogatory, bates numbered as follows:

RUCHI_389-427.

17. Identify all facts that support Petitioner's allegations in Paragraph 27 of the COUNTERCLAIMS.

Response to Interrogatory 17.

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by reference to, documents produced in response to Opposer's document requests (the "Requests"), including without limitation, Requests 14, 22 and 25. Pursuant to Rule 33(d), and subject to any and all applicable objections to relevant Requests, Applicant will produce representative documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Applicant further objects to this Interrogatory on the grounds, and to the extent that it seeks a narrative response, and thus is stated in the form of, and should properly be posed or stated as, a deposition question to an individual witness.

Applicant further objects to this Interrogatory to the extent it seeks privileged information such as attorney-client and/or attorney work product.

FIRST AMENDED RESPONSE TO INTERROGATORY 17

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by reference to, documents produced in response to Opposer's document requests (the "Requests"),

including without limitation, Requests 14, 22 and 25. Pursuant to Rule 33(d), and subject to any and all applicable objections to relevant Requests, Applicant will produce representative documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Applicant further objects to this Interrogatory on the grounds, and to the extent that it seeks a narrative response, and thus is stated in the form of, and should properly be posed or stated as, a deposition question to an individual witness.

Applicant further objects to this Interrogatory to the extent it seeks privileged information such as attorney-client and/or attorney work product.

Applicant further refers Opposer to the following documents, and/or representative samples of documents, in response to this Interrogatory, bates numbered as follows:

RUCHI_389-427.

18. Identify all facts that support Petitioner's allegations In Paragraph 36 of the COUNTERCLAIMS.

Response to Interrogatory 18.

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by reference to, documents produced in response to Opposer's document requests (the "Requests"), including without limitation, Requests 14, 23 and 25. Pursuant to Rule 33(d), and subject to any and all applicable objections to relevant Requests, Applicant will produce representative documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Applicant further objects to this Interrogatory on the grounds, and to the extent that it

seeks a narrative response, and thus is stated in the form of, and should properly be posed or stated as, a deposition question to an individual witness.

Applicant further objects to this Interrogatory to the extent it seeks privileged information such as attorney-client and/or attorney work product.

FIRST AMENDED RESPONSE TO INTERROGATORY 18

Applicant objects to this Interrogatory in part because it is cumulative and duplicative of, and pursuant to Federal Rule of Civil Procedure 33(d) can be answered in whole or in part by reference to, documents produced in response to Opposer's document requests (the "Requests"), including without limitation, Requests 14, 23 and 25. Pursuant to Rule 33(d), and subject to any and all applicable objections to relevant Requests, Applicant will produce representative documents responsive to such Requests to the extent such documents exist and are not privileged and/or otherwise protected from disclosure.

Applicant further objects to this Interrogatory on the grounds, and to the extent that it seeks a narrative response, and thus is stated in the form of, and should properly be posed or stated as, a deposition question to an individual witness.

Applicant further objects to this Interrogatory to the extent it seeks privileged information such as attorney-client and/or attorney work product.

Applicant further refers Opposer to the following documents, and/or representative samples of documents, in response to this Interrogatory, bates numbered as follows:

RUCHI_389-427.

19. Identify those persons who had more than a clerical role in the answering of the foregoing interrogatories or in any search for documents in connection with said interrogatories or Ferrero's First Set of Requests for Production of Documents.

Response to Interrogatory 19.

Applicant objects to this Interrogatory as to form, as it contains multiple subparts; and each subpart should be deemed to be an additional independent interrogatory question and counted toward the total amount of interrogatory questions allowed pursuant to The TBMP.

Applicant further objects to this Interrogatory on the grounds, and to the extent that it seeks a narrative response, and thus is stated in the form of, and should properly be posed or stated as, a deposition question to an individual witness.

Subject to and without waiving the foregoing General and Specific Objections, Applicant responds to the above Interrogatory as follows: Hitesh Vora, Amit Khatak, Darshan Panchal, Rohit Motkari and/or Nilesh Bhawsar.

Dated: Scarsdale, New York
June 20, 2016

LACKENBACH SIEGEL, LLP

By: /s/ Jeffrey M. Rollings
Robert B. Golden (RG 6157)
Jeffrey M. Rollings (JR 6940)
Lackebach Siegel Building
1 Chase Road
Scarsdale, NY 10583
(914) 723-4300
(914) 723-4301 fax
Attorneys for Opposer, Ultra Records, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the enclosed RUCHI SOYA INDUSTRIES LIMITED'S FIRST AMENDED RESPONSES AND OBJECTIONS TO OPPOSER/REGISTRANT'S FIRST SET OF INTERROGATORIES TO APPLICANT/PETITIONER was served on Opposer on June 20, 2016 via email, addressed to counsel for Opposer as follows:

Leo M. Loughlin, Esq.
Rothwell, Figg, Ernst & Manbeck, P.C.
607 14th Street, NW, Suite 800
Washington, D.C. 20005
lloughlin@rothwellfigg.com

Dated: Scarsdale, New York
June 20, 2016

/s/ Eric A. Menist
Eric A. Menist

Exhibit 2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Application Ser. No: 86/184,298
Mark: NUTRELA
International Classes: 29, 30, 32
Applicant: Ruchi Soya Industries Limited
Date of Publication: December 2, 2014

FERRERO S.P.A.,

Opposer,

v.

RUCHI SOYA INDUSTRIES LIMITED,

Applicant.

Opposition No.91221291

Registration No: 3,930,669
Mark: NUTELLA LOVE & DESIGN
International Classes: 30
Owner: Ferro S.p.A
Date of Registration: March 15, 2011

Registration No: 4,192,415
Mark: NUTELLA & DESIGN
International Classes: 30
Owner: Ferro S.p.A
Date of Registration: August 21, 2012

RUCHI SOYA INDUSTRIES LIMITED,

Petitioner,

v.

FERRERO S.P.A.,

Respondent.

**RUCHI SOYA INDUSTRIES LIMITED'S FIRST AMENDED RESPONSES AND
OBJECTIONS TO REGISTRANT'S FIRST SET OF REQUESTS FOR THE
PRODUCTION OF DOCUMENTS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and the TBMP, Applicant, Ruchi soya Industries Limited (“Applicant”), by their attorneys of record, hereby further responds and objects to opposer/respondent’s, Ferrero, S.p.A. (“Opposer”), Registrant’s

First Set of Requests for Production of Documents (the “Requests”) (collectively the “Responses”), as follows:

GENERAL RESPONSES AND OBJECTIONS

Applicant’s responses to individual Requests are all subject to the following general objections (the “General Objections”):

1. Applicant objects to the Definitions and the Requests to the extent that they exceed or are inconsistent with the requirements of the Federal Rules of Civil Procedure, the TBMP and/or any other applicable rules, regulations and/or law, and to the extent that they seek information or documents beyond what can be made available from a reasonable investigation.

2. Applicant further objects to the Requests to the extent any Requests seek documents and/or information for a time period for which such documents or information is not reasonably accessible and/or available, and further to the extent any Requests seek documents from, and/or information concerning, any period of time beyond the time period relevant to any of Plaintiffs’ allegations set forth in its complaint.

3. Applicant further objects to the Requests to the extent that they may seek, or would result in, the disclosure of documents, communications and/or other information protected by the attorney-client privilege, and/or materials produced by or for attorneys in anticipation of, or during trademark application prosecution at the USPTO and/or litigation and protected from disclosure by the attorney work-product doctrine. In the event that any privileged information is disclosed, such disclosure shall be deemed unintentional and shall not constitute a waiver of the privilege, and Applicant reserves the right to request such privileged information be returned and/or destroyed.

4. Applicant further objects to the Interrogatories to the extent that they seek confidential, sensitive and/or proprietary trade secrets, and/or financial and/or other confidential

business information or information subject to rights of privacy and/or publicity (the “Confidential Information”). Applicant will only produce Confidential Information pursuant to, and in accordance with, a protective order issued in this case. Applicant further reserves the right to withhold disclosure of any documents and information subject to the privacy and/or publicity rights of any third party, or that it is bound to keep confidential pursuant to any contract or agreement with any third party from whom Applicant cannot obtain a waiver or consent.

5. Applicant further objects to the Requests to the extent that they purport to require Applicant to obtain information from third parties and/or otherwise identify and obtain documents that are not within its possession, custody and/or control.

6. Applicant further objects to the Requests to the extent that they call for unreasonably cumulative and/or duplicative documents and/or information.

7. Applicant further objects to the Requests to the extent that they seek the discovery of information that Opposer itself is able to obtain by less burdensome and/or costly means than formal document requests, whether because responsive documents and/or information can be obtained from non-parties, is publicly available, is already in Opposer’s possession and/or control, or otherwise.

8. Applicant further objects to each Request to the extent that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence and/or compliance with the Request would be cost-prohibitive, impractical and/or impossible; however, Applicant will use its best efforts to reasonably comply with the Requests and reserves the right to seek an extension of time to respond accordingly.

9. Applicant’s Responses and responsive documents and things are as complete and as accurate as is possible given the state of Applicant’s current knowledge and investigation.

Applicant's investigations are ongoing and Applicant reserves the right to correct and/or supplement its Responses to the extent its ongoing investigations yield different and/or additional information.

10. Applicant's specific objections to each Request are in addition to the objections set forth in these General Objections. The General Objections form a part of Applicant's response to each and every Request, and are set forth here to avoid the duplication and repetition of restating them for each response. The absence of a reference to a General Objection is not to be construed as a waiver of the General Objections as to a specific Request.

SPECIFIC RESPONSES AND OBJECTIONS

As stated above, each of Applicant's General Objections is incorporated into each of the following specific Responses and Objections ("Specific Objections") to Opposer's Requests as numbered below:

1. All documents and things which reflect, refer to, relate to, evidence or concern the earliest date of Petitioner's use of the NUTRELA mark in commerce for goods identified in Application No. 86/184,298.

Response to Doc. Request No 1.

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request

purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant grants Opposer the right to inspect and copy any non-objected responsive records and/or documents located at Applicant's principal place of business at a time mutually agreeable between Applicant and Opposer.

FIRST AMENDED RESPONSE TO DOC. REQUEST. NO. 1

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant provides the following documents, and/or representative samples of documents, that are, and/or may be, responsive to this Request, bates numbered as follows: RUCHI_1-319; RUCHI_368-382.

2. *All documents and things which reflect, refer to, relate to, evidence or concern Petitioner's consideration, selection, and adoption of the NUTRELA mark.*

Response to Doc. Request No 2.

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant grants Opposer the right to inspect and copy any non-objected responsive records and/or documents located at Applicant's principal place of business at a time mutually agreeable between Applicant and Opposer.

FIRST AMENDED RESPONSE TO DOC. REQUEST. NO. 2

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further

objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant states the adoption and selection of their NUTRELA mark was in the year 1977 in India, and such documents either no longer exist and/or are not in Applicant's possession, custody and/or control.

3. Documents and things sufficient to identify all advertising/marketing and promotional agencies, public relations firms, website design firms and/or internet consulting firms that are now or have ever been employed by Petitioner in connection with the use, scheduled use or planned use of the NUTRELA mark in the United States.

Response to Doc. Request No 3.

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request No. 1.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant states there are no such documents.

FIRST AMENDED RESPONSE TO DOC. REQUEST. NO. 3

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request No. 1.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant provides the following documents, and/or representative samples of documents, that are responsive to this Request, bates numbered as follows: RUCHI_1-63.

4. Documents and things sufficient to identify each product promoted by Petitioner in connection with the NUTRELA mark at any time in the United States.

Response to Doc. Request No 4.

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from

disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request Nos. 1 and 2.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant grants Opposer the right to inspect and copy any non-objected responsive records and/or documents located at Applicant's principal place of business at a time mutually agreeable between Applicant and Opposer.

FIRST AMENDED RESPONSE TO DOC. REQUEST. NO. 4

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of

Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request Nos. 1 and 2.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant provides the following documents, and/or representative samples of documents, that are responsive to this Request, bates numbered as follows: RUCHI_320-388.

5. *Documents and things sufficient to identify each product proposed to be promoted by Petitioner in connection with its use of the NUTRELA mark at any time in the United States.*

Response to Doc. Request No 5.

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request Nos. 1-4.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant states there are no such documents.

6. *Documents and things sufficient to identify the geographical areas in the United States in which Petitioner offers for sale, has offered for sale, sells, and/or has sold products under the NUTRELA mark.*

Response to Doc. Request No 6.

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request Nos. 1 and 3-5.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant grants Opposer the right to inspect and copy any non-objected responsive records and/or documents located at Applicant's principal place of business at a time mutually agreeable between Applicant and Opposer.

FIRST AMENDED RESPONSE TO DOC. REQUEST. NO. 6

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request Nos. 1 and 3-5.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant provides the following documents, and/or representative samples of documents, that are responsive to this Request, bates numbered as follows: RUCHI_64-319; RUCHI_368-382.

7. *Documents and things sufficient to show the revenue made from Petitioner's products sold under the NUTRELA Mark in the United States from the date of the earliest priority date on which Petitioner intends to rely in this proceeding to the present, including all revenue made by third-party licensees or vendors, indicating the revenue for each year (or for each month for periods of less than a year).*

Response to Doc. Request No 7.

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request Nos. 1 and 6.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant grants Opposer the right to inspect and copy any non-objected responsive records and/or documents located at Applicant's principal place of business at a time mutually agreeable between Applicant and Opposer.

FIRST AMENDED RESPONSE TO DOC. REQUEST. NO. 7

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request Nos. 1 and 6.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant provides the following documents, and/or representative samples of documents that are responsive to this Request, bates numbered as follows: RUCHI_64-319.

8. *Documents and things sufficient to show the total annual advertising and promotional expenditures in the United States by or on behalf of Petitioner relating to the promotion of products under the NUTRELA mark, from the first advertisement or promotion to the present, indicating the advertising and promotional expenditures for each year (or for each month for periods of less than a year).*

Response to Doc. Request No 8.

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request Nos. 1 and 3-5.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant states there are no such documents.

FIRST AMENDED RESPONSE TO DOC. REQUEST. NO. 8

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further

objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request Nos. 1 and 3-5.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant provides the following documents, and/or representative samples of documents, that are responsive to this Request, bates numbered as follows: RUCHI_1-63.

9. *All documents and things which reflect, refer to, relate to, evidence or concern any and all instances of actual confusion, potential confusion, mistake or deception known to Petitioner as to the source, origin, sponsorship or association as between its use or proposed use of the NUTRELA mark and Ferrero's use of the mark NUTELLA in the United States.*

Response to Doc. Request No 9.

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request

purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant states there are no such documents.

10. Documents and things sufficient to identify all of the channels of trade in the United States in or through which Petitioner has or currently offers products under the NUTRELA mark.

Response to Doc. Request No 10.

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request Nos. 1 and 3-8.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant grants Opposer the right to inspect and copy any non-objected responsive records and/or documents located at Applicant's principal place of business at a time mutually agreeable between Applicant and Opposer.

FIRST AMENDED RESPONSE TO DOC. REQUEST. NO. 10

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request Nos. 1 and 3-8.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant provides the following documents, and/or representative samples of documents, that are responsive to this Request, bates numbered as follows: RUCHI_64-388.

11. *All documents and things which reflect, refer to, relate to, evidence or concern any survey, market research study, poll or investigation concerning confusion or potential confusion or likelihood of confusion between Ferrero's products bearing the NUTELLA mark and Petitioner's products bearing the NUTRELA mark in the United States.*

Response to Doc. Request No 11.

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request No. 9.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant states there are no such documents.

12. *All documents and things which reflect, refer to, relate to, evidence or concern any agreement, arrangement, license and/or contract between Petitioner and any person relating to the promotion of any good or service bearing the NUTRELA mark in the United States.*

Response to Doc. Request No 12.

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request Nos. 1, 3-5, 8 and 10.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant states there are no such documents.

13. All documents and things which reflect, refer to, relate to, evidence or concern the consumer awareness, consumer understanding, acceptance of, or reaction to, the trademark availability of, or the protectability of, the NUTRELA mark in the United States.

Response to Doc. Request No 13.

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to

lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant grants Opposer the right to inspect and copy any non-objected responsive records and/or documents located at Applicant's principal place of business at a time mutually agreeable between Applicant and Opposer.

FIRST AMENDED RESPONSE TO DOC. REQUEST. NO. 13

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of

Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant provides the following documents, and/or representative samples of documents, that are responsive to this Request, bates numbered as follows: RUCHI_320-388.

14. All documents and things which mention, reflect, refer to, relate to, evidence or concern Ferrero's NUTELLA Mark.

Response to Doc. Request No 14.

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request Nos. 9 and 11.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant grants Opposer the right to inspect and copy any non-objected responsive records and/or documents located at Applicant's principal place of business at a time mutually agreeable between Applicant and Opposer.

FIRST AMENDED RESPONSE TO DOC. REQUEST. NO. 14

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request Nos. 9 and 11.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant states there are no such documents.

15. To the extent not produced in response to an earlier request, all advertisement and promotional materials, whether relating to past, present or future distribution, that mention, identify, or describe any products offered by Petitioner under the NUTRELA mark.

Response to Doc. Request No 15.

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant grants Opposer the right to inspect and copy any non-objected responsive records and/or documents located at Applicant's principal place of business at a time mutually agreeable between Applicant and Opposer.

FIRST AMENDED RESPONSE TO DOC. REQUEST. NO. 15

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this

Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant provides the following documents, and/or representative samples of documents, that are responsive to this Request, bates numbered as follows: RUCHI_1-388.

16. All documents and things which reflect, refer to, relate to, evidence or concern Petitioner's consideration and decision to file Application No. 86/184,298 for the NUTRELA mark, including any trademark search report.

Response to Doc. Request No 16.

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of

Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request No. 2.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant grants Opposer the right to inspect and copy any non-objected responsive records and/or documents located at Applicant's principal place of business at a time mutually agreeable between Applicant and Opposer.

FIRST AMENDED RESPONSE TO DOC. REQUEST. NO. 16

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request No. 2.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant states are no such documents.

17. All documents and things which support Petitioner's allegations in Paragraph 14 of the COUNTERCLAIMS.

Response to Doc. Request No 17.

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request No. 14.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant grants Opposer the right to inspect and copy any non-objected responsive records and/or documents located at Applicant's principal place of business at a time mutually agreeable between Applicant and Opposer.

FIRST AMENDED RESPONSE TO DOC. REQUEST. NO. 17

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request No. 14.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant provides the following documents, and/or representative samples of documents, that are responsive to this Request, bates numbered as follows: RUCHI_389-427.

18. *All documents and things which support Petitioner's allegations in Paragraph 15 of the COUNTERCLAIMS.*

Response to Doc. Request No 18.

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request Nos. 14 and 17.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant grants Opposer the right to inspect and copy any non-objected responsive records and/or documents located at Applicant's principal place of business at a time mutually agreeable between Applicant and Opposer.

FIRST AMENDED RESPONSE TO DOC. REQUEST. NO. 18

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of

irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request Nos. 14 and 17.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant provides the following documents, and/or representative samples of documents, that are responsive to this Request, bates numbered as follows: RUCHI_389-427.

19. All documents and things which support Petitioner's allegations in Paragraph 16 of the COUNTERCLAIMS.

Response to Doc. Request No 19.

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from

disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request Nos. 14, 17 and 18.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant grants Opposer the right to inspect and copy any non-objected responsive records and/or documents located at Applicant's principal place of business at a time mutually agreeable between Applicant and Opposer.

FIRST AMENDED RESPONSE TO DOC. REQUEST. NO. 19

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of

Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request Nos. 14, 17 and 18.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant provides the following documents, and/or representative samples of documents, that are responsive to this Request, bates numbered as follows: RUCHI_389-427.

20. All documents and things which support Petitioner's allegations in Paragraph 25 of the COUNTERCLAIMS.

Response to Doc. Request No 20.

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request Nos. 14 and 17-9.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant grants Opposer the right to inspect and copy any non-objected responsive records and/or documents located at Applicant's principal place of business at a time mutually agreeable between Applicant and Opposer.

FIRST AMENDED RESPONSE TO DOC. REQUEST. NO. 20

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request Nos. 14 and 17-9.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant provides the following documents, and/or representative samples of documents, that are responsive to this Request, bates numbered as follows: RUCHI_389-427.

21. All documents and things which support Petitioner's allegations in Paragraph 26 of the COUNTERCLAIMS.

Response to Doc. Request No 21.

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request Nos. 14 and 17-20.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant grants Opposer the right to inspect and copy any non-objected responsive

records and/or documents located at Applicant's principal place of business at a time mutually agreeable between Applicant and Opposer.

FIRST AMENDED RESPONSE TO DOC. REQUEST. NO. 21

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request Nos. 14 and 17-20.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant provides the following documents, and/or representative samples of documents, that are responsive to this Request, bates numbered as follows: RUCHI_389-427.

22. *All documents and things which support Petitioner's allegations in Paragraph 27 of the COUNTERCLAIMS.*

Response to Doc. Request No 22.

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request Nos. 14 and 17-21.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant grants Opposer the right to inspect and copy any non-objected responsive records and/or documents located at Applicant's principal place of business at a time mutually agreeable between Applicant and Opposer.

FIRST AMENDED RESPONSE TO DOC. REQUEST. NO. 22

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this

Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request Nos. 14 and 17-21.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant provides the following documents, and/or representative samples of documents, that are responsive to this Request, bates numbered as follows: RUCHI_389-427.

23. All documents and things which support Petitioner's allegations in Paragraph 36 of the COUNTERCLAIMS.

Response to Doc. Request No 23.

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession,

custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request Nos. 14 and 17-22.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant grants Opposer the right to inspect and copy any non-objected responsive records and/or documents located at Applicant's principal place of business at a time mutually agreeable between Applicant and Opposer.

FIRST AMENDED RESPONSE TO DOC. REQUEST. NO. 23

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request Nos. 14 and 17-22.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant provides the following documents, and/or representative samples of documents, that are responsive to this Request, bates numbered as follows: RUCHI_389-427.

24. All documents and things which support Petitioner's allegations in Paragraph 38 of the COUNTERCLAIMS.

Response to Doc. Request No 24.

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request Nos. 14 and 17-23.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant grants Opposer the right to inspect and copy any non-objected responsive records and/or documents located at Applicant's principal place of business at a time mutually agreeable between Applicant and Opposer.

FIRST AMENDED RESPONSE TO DOC. REQUEST. NO. 24

Applicant objects to this Request as overly broad and unduly burdensome. Applicant further objects to this Request on the grounds, and to the extent that it calls for the production of irrelevant documents and/or information, and thus the Request is not reasonably calculated to lead to the discovery of admissible evidence in this matter. Applicant further objects to this Request on the grounds, and to the extent that it seeks documents or information protected from disclosure by the attorney-client and/or attorney work product privileges. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of third parties. Applicant further objects to the extent the Request purports to compel production of documents in the possession, custody and/or control of Opposer and/or is in the public domain and is readily available to Opposer without the need of a specific Request made to Applicant.

Applicant further objects to this Request on the grounds, and to the extent that it is, in total or in part, cumulative and duplicative of Opposer's Requests, including without limitation Request Nos. 14 and 17-23.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant provides the following documents, and/or representative samples of documents, that are responsive to this Request, bates numbered as follows: RUCHI_389-427.

25. *To the extent not otherwise produced, all documents mentioned or identified in response to Opposer/Registrant's First Set of interrogatories to Applicant/Petitioner.*

Response to Doc. Request No 25.

Applicant objects to this Request on the grounds, and to the extent, that it is cumulative and duplicative of all of Plaintiff's Requests. Applicant further objects to this Request as overly broad and unduly burdensome.

FIRST AMENDED RESPONSE TO DOC. REQUEST. NO. 25

Applicant objects to this Request on the grounds, and to the extent, that it is cumulative and duplicative of all of Plaintiff's Requests. Applicant further objects to this Request as overly broad and unduly burdensome.

Subject to and without waiving the foregoing General Objections and Specific Objections, Applicant provides the following documents, and/or representative samples of documents, that are responsive to this Request, bates numbered as follows: RUCHI_1-427.

Dated: Scarsdale, New York
June 20, 2016

LACKENBACH SIEGEL, LLP

By: /s/ Jeffrey M. Rollings
Robert B. Golden (RG 6157)
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Attorneys for Opposer, Ultra Records, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the enclosed RUCHI SOYA INDUSTRIES LIMITED'S FIRST AMENDED RESPONSES AND OBJECTIONS TO REGISTRANT'S FIRST SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS was served on Opposer on June 20, 2016 via email, addressed to counsel for Opposer as follows:

Leo M. Loughlin, Esq.
Rothwell, Figg, Ernst & Manbeck, P.C.
607 14th Street, NW, Suite 800
Washington, D.C. 20005
lloughlin@rothwellfigg.com

Dated: Scarsdale, New York
June 20, 2016

/s/ Eric A. Menist
Eric A. Menist